

EXHIBIT 1

SPDES Permit

New York State Department of Environmental Conservation
Division of Environmental Permits, 4th Floor
625 Broadway, Albany, New York 12233-1750
Phone: (518) 402-9167 • FAX: (518) 402-9168
Website: www.dec.state.ny.us



Joe Martens
Commissioner

YOUR PERMIT IS ENCLOSED

IMPORTANT NOTICE TO ALL PERMITTEES


The permit you requested is enclosed. Please read it carefully and note the conditions that are included in it. The permit is valid for only that activity expressly authorized therein; work beyond the scope of the permit may be considered a violation of law and be subject to appropriate enforcement action. Granting of this permit does not relieve the permittee of the responsibility of obtaining any other permission, consent or approval from any other federal, state, or local government which may be required.

Please note the expiration date of the permit. Applications for permit renewal should be made well in advance of the expiration date (minimum of 30 days) and submitted to the Regional Permit Administrator. For SPDES, Solid Waste and Hazardous Waste Permits, renewals must be made at least 180 days prior to the expiration date.

The DEC permit number & program ID number noted on page 1 of the permit are important and should be retained for your records. These numbers should be referenced on all correspondence related to the permit, and on any future applications for permits associated with this facility/project area. If a permit notice sign is enclosed, you must post it at the work site with appropriate weather protection, as well as keep a copy of the permit at the facility/work site.

If the permit is associated with a project that will entail construction of new water pollution control facilities or modifications to existing facilities, plan approval for the system design will be required from the appropriate Department's regional Division of Water or delegated local Health Department, as specified in the State Pollutant Discharge Elimination System (SPDES) permit.

If you have any questions on the extent of work authorized or your obligations under the permit, please contact the staff person indicated below or the Division of Environmental Permits at the above address.

 10/4/12

Andrea Sheeran

Environmental Analyst

Division of Environmental Permits, Central Office & Region 3

Telephone (518) 402-9167

Attachments:

-Permit NY 003 1895

Cc w/ Attachments:

File

EFC

ECC Only:

Rockland Co. HD

USEPA, Reg II

Paul Kolakowski, DOW

S. Karimipour/E. Shirkey, DOW

Cheri Jamison, BWP

Gwen Ahlers, R3

Chron

10/10/12 10:00 AM

10/10/12 10:00 AM

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NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
State Pollutant Discharge Elimination System (SPDES)
DISCHARGE PERMIT



Industrial Code: 4952
Discharge Class (CL): 05
Toxic Class (TX): T
Major Drainage Basin: 13
Sub Drainage Basin: 01
Water Index Number: HR
Compact Area: IEC

SPDES Number: NY-003 1895
DEC Number: 3-3924-00052-00005
Effective Date (EDP): 12/01/2008
Expiration Date (ExDP): 11/30/2013
Modification Dates (EDPM): 10/02/2010

First3.99

This SPDES permit is issued in compliance with Title 8 of Article 17 of the Environmental Conservation Law of New York State and in compliance with the Clean Water Act, as amended, (33 U.S.C. 1251 et seq.) (hereinafter referred to as "the Act").

PERMITTEE NAME AND ADDRESS

Name: Rockland County Sewer District #1
Street: 4 Route 340
City: Orangeburg

Attention: Chief Operator

State: NY Zip Code: 10962

is authorized to discharge from the facility described below:

FACILITY NAME AND ADDRESS

Name: Rockland County Sewer District #1 Wastewater Treatment Plant

Location (C,T,V): Orangeburg (T)

County: Rockland

Facility Address: 4 Route 430

City: Orangeburg

State: NY

Zip Code: 10962

NYTM -E:

NYTM -N:

From Outfall No.: 001

at Latitude: 41 E 02 N 29 O & Longitude: 73 E 53 N 45 O

into receiving waters known as: Hudson River

Class: SB

and; (list other Outfalls, Receiving Waters & Water Classifications)

See page 3

in accordance with: effluent limitations; monitoring and reporting requirements; other provisions and conditions set forth in this permit; and 6 NYCRR Part 750-1.2(a) and 750-2.

DISCHARGE MONITORING REPORT (DMR) MAILING ADDRESS

Mailing Name: Rockland County Sewer District #1

Street: 4 Route 340

City: Orangeburg

State: NY

Zip Code: 10962

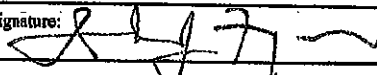
Responsible Official or Agent: Dianne Philipps, Executive Director

Phone: (845) 365-6111

This permit and the authorization to discharge shall expire on midnight of the expiration date shown above and the permittee shall not discharge after the expiration date unless this permit has been renewed, or extended pursuant to law. To be authorized to discharge beyond the expiration date, the permittee shall apply for permit renewal not less than 180 days prior to the expiration date shown above.

DISTRIBUTION:

CO BWP - Permit Coordinator
RWE
RPA
EPA Region II - Michelle Josilo
NYSEFC

Permit Administrator: John J. Ferguson, Chief Permit Administrator	
Address: 625 Broadway Albany, NY 12233-1750	
Signature: 	Date: 10/4/12

PERMIT LIMITS, LEVELS AND MONITORING DEFINITIONS

OUTFALL	WASTEWATER TYPE		RECEIVING WATER	EFFECTIVE	EXPIRING	
	This cell describes the type of wastewater authorized for discharge. Examples include process or sanitary wastewater, storm water, non-contact cooling water.		This cell lists classified waters of the state to which the listed outfall discharges.	The date this page starts in effect. (e.g. EDP or BDPM)	The date this page is no longer in effect. (e.g. ExDP)	
PARAMETER	MINIMUM		MAXIMUM	UNITS	SAMPLE FREQ.	SAMPLE TYPE
e.g. pH, TRC, Temperature, D.O.	The minimum level that must be maintained at all instants in time.		The maximum level that may not be exceeded at any instant in time.	SU, °F, mg/l, etc.		
PARA-METER	EFFLUENT LIMIT	PRACTICAL QUANTITATION LIMIT (PQL)	ACTION LEVEL	UNITS	SAMPLE FREQUENCY	SAMPLE TYPE
	Limit types are defined below in Note 1. The effluent limit is developed based on the more stringent of technology-based limits, required under the Clean Water Act, or New York State water quality standards. The limit has been derived based on existing assumptions and rules. These assumptions include receiving water hardness, pH and temperature; rates of this and other discharges to the receiving stream; etc. If assumptions or rules change the limit may, after due process and modification of this permit, change.	For the purposes of compliance assessment, the analytical method specified in the permit shall be used to monitor the amount of the pollutant in the outfall to this level, provided that the laboratory analyst has complied with the specified quality assurance/quality control procedures in the relevant method. Monitoring results that are lower than this level must be reported, but shall not be used to determine compliance with the calculated limit. This PQL can be neither lowered nor raised without a modification of this permit.	Action Levels are monitoring requirements, as defined below in Note 2, that trigger additional monitoring and permit review when exceeded.	This can include units of flow, pH, mass, Temperature, concentration. Examples include µg/l, lbs/d, etc.	Examples include Daily, 3/week, weekly, 2/month, monthly, quarterly, 2/yr and yearly.	Examples include grab, 24 hour composite and 3 grab samples collected over a 6 hour period.

Note 1: DAILY DISCHARGE: The discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for the purposes of sampling. For pollutants expressed in units of mass, the 'daily discharge' is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the 'daily discharge' is calculated as the average measurement of the pollutant over the day.

DAILY MAX.: The highest allowable daily discharge. **DAILY MIN.:** The lowest allowable daily discharge.

MONTHLY AVG: The highest allowable average of daily discharges over a calendar month, calculated as the sum of each of the daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

7 DAY ARITHMETIC MEAN (7 day average): The highest allowable average of daily discharges over a calendar week.

30 DAY GEOMETRIC MEAN: The highest allowable geometric mean of daily discharges over a calendar month, calculated as the antilog of: the sum of the log of each of the daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

7 DAY GEOMETRIC MEAN: The highest allowable geometric mean of daily discharges over a calendar week.

RANGE: The minimum and maximum instantaneous measurements for the reporting period must remain between the two values shown.

Note 2: ACTION LEVELS: Routine Action Level monitoring results, if not provided for on the Discharge Monitoring Report (DMR) form, shall be appended to the DMR for the period during which the sampling was conducted. If the additional monitoring requirement is triggered as noted below, the permittee shall undertake a short-term, high-intensity monitoring program for the parameter(s). Samples identical to those required for routine monitoring purposes shall be taken on each of at least three consecutive operating and discharging days and analyzed. Results shall be expressed in terms of both concentration and mass, and shall be submitted no later than the end of the third month following the month when the additional monitoring requirement was triggered. Results may be appended to the DMR or transmitted under separate cover to the same address. If levels higher than the Action Levels are confirmed, the permit may be reopened by the Department for consideration of revised Action Levels or effluent limits. The permittee is not authorized to discharge any of the listed parameters at levels which may cause or contribute to a violation of water quality standards.

ADDITIONAL OUTFALLS

Outfall No.	Description	Latitude / Longitude	Receiving Stream / Class
001A	Emergency Bypass	41E02'29" / 73E53'45"	Hudson River / SB
001B	Emergency Bypass	41E02'27" / 73E54'22"	Hudson River / SB
002	Stormwater Outfall A	41E02'34" / 73E56'29"	Sparkill Creek / C(T)
003	Stormwater Outfall B	41E02'27" / 73E56'24"	Sparkill Creek / C(T)
004	Stormwater Outfall C	41E02'25" / 73E56'26"	Sparkill Creek / C(T)
005	Stormwater Outfall D	41E02'39" / 73E56'40"	Sparkill Creek / C(T)
006	Stormwater Outfall E	41E02'37" / 73E56'38"	Sparkill Creek / C(T)
007	Stormwater Outfall F	41E02'37" / 73E56'35"	Sparkill Creek / C(T)
008	Stormwater Outfall G	41E02'37" / 73E56'33"	Sparkill Creek / C(T)
009 (rep sampling)	Stormwater Outfall H	41E02'36" / 73E56'32"	Sparkill Creek / C(T)
010	Stormwater Outfall I	41E02'30" / 73E56'27"	Sparkill Creek / C(T)
011	Stormwater Outfall J	41E02'30" / 73E56'27"	Sparkill Creek / C(T)
012	Stormwater Outfall K	41E02'37" / 73E56'42"	Sparkill Creek / C(T)

PERMIT LIMITS, LEVELS AND MONITORING

OUTFALL No.	LIMITATIONS APPLY:	RECEIVING WATER	EFFECTIVE	EXPIRING
001	All Year unless otherwise noted	Hudson River	10/02/2012	11/30/2013

PARAMETER	EFFLUENT LIMIT					MONITORING REQUIREMENTS				FN
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Location		
								Inf.	Eff.	
Flow	12 Month Rolling Avg	28.9	MGD			Continuous	Recorder	X		
CBOD ₅	Monthly average	25	mg/l	6,000	lbs/d	1 / day	24-hr. comp.	X	X	1
CBOD ₅	7 day average	40	mg/l	9,600	lbs/d	1 / day	24-hr. comp.		X	
BOD ₅	6 Cons. Hour Avg	50	mg/l			See footnote	24-hr comp.		X	2
Solids, Suspended	Monthly average	30	mg/l	7,200	lbs/d	1 / day	24-hr. comp.	X	X	1
Solids, Suspended	7 day average	45	mg/l	11,000	lbs/d	1 / day	24-hr. comp.		X	
Solids, Suspended	6 Cons. Hour Avg	50	mg/l			See footnote	24-hr comp.		X	2
Solids, Settleable	Daily Max.	0.3	ml/l			6 / day	grab		X	
pH	Range	6.0 – 9.0	SU			6 / day	grab		X	
Nitrogen, Ammonia (as NH ₃)	Daily Max.	Monitor	mg/l			1 / month	24-hr. comp.	X	X	
Nitrogen, TKN (as N)	Daily Max.	Monitor	mg/l			1 / month	24-hr. comp.	X	X	
Nitrate (as N)	Daily Max.	Monitor	mg/l			1 / month	24-hr. comp.	X	X	
Nitrite (as N)	Daily Max.	Monitor	mg/l			1 / month	24-hr. comp.	X	X	
Phosphorus (as P)	Daily Max.	Monitor	mg/l			1 / month	24-hr. comp.	X	X	
Orthophosphate (as P)	Daily Max.	Monitor	mg/l			1 / month	24-hr. comp.	X	X	
Temperature	Daily Max	Monitor	Deg F			6/day	grab		X	
Effluent Disinfection required: [] All Year [X] Seasonal from <u>May 15th</u> to <u>Oct 15th</u>										
Coliform, Fecal	30 day geometric mean	200	No./ 100 ml			1 / day	grab		X	3
Coliform, Fecal	7 day geometric mean	400	No./ 100 ml			1 / day	grab		X	3
Coliform, Fecal	6 Hour geometric mean	800	No. / 100 ml			See footnote	grab		X	2
Coliform, Fecal	Individual Sample	2400	No./ 100 ml			See footnote	grab		X	2
Chlorine, Total Residual	Daily Max.	0.5	mg/l			6 / day	grab		X	4

FOOTNOTES: See page 6

PERMIT LIMITS, LEVELS AND MONITORING

OUTFALL No.	WASTEWATER TYPE	RECEIVING WATER	EFFECTIVE	EXPIRING
001	Municipal Effluent	Hudson River	10/02/2012	11/30/2013

PARAMETER	EFFLUENT LIMIT		ACTION LEVEL	UNITS	SAMPLE FREQUENCY	SAMPLE TYPE	FN
	Monthly Avg.	Daily Max					
Mercury, Total		50		ng/l	1/month	Grab	5
Copper, Total			8.1	lbs/d	1/quarter	24-hr. comp.	
Lead, Total			0.5	lbs/d	1/quarter	24-hr. comp.	
Zinc, Total			23	lbs/d	1/quarter	24-hr. comp.	
Phenolics, Total			4.0	lbs/d	1/quarter	24-hr. comp.	6
WET – Acute Invertebrate			2.16	TUa	1/quarter	See footnote	7
WET – Acute Vertebrate			2.16	TUa	1/quarter	See footnote	7
WET – Chronic Invertebrate			16.4	TUc	1/quarter	See footnote	7
WET – Chronic Vertebrate			16.4	TUc	1/quarter	See footnote	7

OUTFALL No.	WASTEWATER TYPE	RECEIVING WATER	EFFECTIVE	EXPIRING
001A	Municipal Effluent Emergency Bypass	Hudson River	10/02/2012	11/30/2013

No Monitoring Required (see footnote 8)

OUTFALL No.	WASTEWATER TYPE	RECEIVING WATER	EFFECTIVE	EXPIRING
001B	Municipal Effluent Emergency Bypass (Outfall Chamber)	Hudson River	10/02/2012	11/30/2013

No Monitoring Required (see footnote 8)

FOOTNOTES on pages 6 - 7

FOOTNOTES:

1. and effluent shall not exceed 29 % and 22 % of influent concentration values for CBOD₅ & TSS respectively. These are interim limits requiring 71% CBOD₅ removal and 78% TSS removal. The secondary treatment limit of 85% removal shall become effective upon completion of the Collection System Monitoring & Maintenance Compliance Action as describe in the compliance schedule page, but no later than January 1, 2013.
2. This is an Interstate Environmental Commission (IEC) requirement. The permittee is not required to perform this sampling but shall be required to meet the permit limit at all times. EPA, DEC, or IEC may perform the sampling.
3. Grab samples shall be taken during periods which include normally high effluent flows.
4. An interim limit of 1.0 mg/l is effective until the disinfection system is upgraded to the meet the WQBEL of 0.5 mg/l. See compliance schedule for more details.
5. Analysis shall be by EPA method 1631.
6. Analysis shall be by the 4AAP method (EPA method 420).
7. Whole Effluent Toxicity (WET) Testing:

Testing Requirements - WET testing shall consist of **Chronic only**. WET testing shall be performed in accordance with 40 CFR Part 136 and TOGS 1.3.2 unless prior written approval has been obtained from the Department. The test species shall be *Mysidopsis bahia* (mysid shrimp - invertebrate) and *Cyprinodon variegatus* (sheepshead minnow - vertebrate). Artificial salt water should be used for dilution. All tests conducted should be static-renewal (two 24 hr composite samples with one renewal for Acute tests and three 24 hr composite samples with two renewals for Chronic tests). The appropriate dilution series bracketing the IWC and including one exposure group of 100% effluent should be used to generate a definitive test endpoint, otherwise an immediate rerun of the test is required. WET testing shall be coordinated with the monitoring of chemical and physical parameters limited by this permit so that the resulting analyses are also representative of the sample used for WET testing. The ratio of critical receiving water flow to discharge flow (i.e. dilution ratio) is 7.2 :1 for acute, and 16.4 :1 for chronic. Discharges which are disinfected using chlorine should be dechlorinated prior to WET testing or samples shall be taken immediately prior to the chlorination system.

Monitoring Period - WET testing shall be performed at the specified sample frequency during calendar years ending in 0 and 5, beginning in January and lasting for a period of one full year.

Reporting - Toxicity Units shall be calculated and reported on the DMR as follows: $TU_a = (100)/(48 \text{ hr LC}_{50})$ or $(100)/(48 \text{ hr EC}_{50})$ (note that Acute data is generated by both Acute and Chronic testing) and $TU_c = (100)/(NOEC)$ when Chronic testing has been performed or $TU_c = (TU_a) \times (10)$ when only Acute testing has been performed and is used to predict Chronic test results, where the 48 hr LC₅₀ or 48 hr EC₅₀ and NOEC are expressed in % effluent. This must be done for both species and using the Most Sensitive Endpoint (MSE) or the lowest NOEC and corresponding highest TU_c . Report a TU_a of 0.3 if there is no statistically significant toxicity in 100% effluent as compared to control.

The complete test report including all corresponding results, statistical analyses, reference toxicity data, daily average flow at the time of sampling and other appropriate supporting documentation, shall be submitted within 60 days following the end of each test period to the Toxicity Testing Unit. A summary page of the test results for the invertebrate and vertebrate species indicating TU_a , 48 hr LC₅₀ or 48 hr EC₅₀ for Acute tests and/or TU_c , NOEC, IC₂₅, and most sensitive endpoints for Chronic tests, should also be included at the beginning of the test report.

WET Testing Action Level Exceedances - If an action level is exceeded then the Department may require the permittee to conduct additional WET testing including Acute and/or Chronic tests. Additionally, the permittee may be required to perform a Toxicity Reduction Evaluation (TRE) in accordance with Department guidance. If such additional testing or performance of a TRE is necessary, the permittee shall be notified in writing by the Regional Water Engineer. The written notification shall include the reason(s) why such testing or a TRE is required.

8. Outfalls 001A/B are emergency discharges to the Hudson River. Any discharge from the outfalls is prohibited without prior approval from DEC.

SPECIAL CONDITION:

No sewer extensions, from outside the approved district, are allowed without prior DEC approval. Any proposed connections, not identified and qualified in an approved facility engineering report, will require necessary on-line capacity and separate DEC approval.

Inflow and Infiltration Management Program

In accordance with New York State Codes, Rules, and Regulations at 6NYCRR Part 750-2.7(f) and 750-2.8(a)(1) & (2), the permittee has responsibility for the permittee-owned and operated sanitary sewer system and must:

- (i) properly manage, operate and maintain the collection system at all times; and
- (ii) take all reasonable steps to minimize or prevent overflows from the collection system by providing adequate capacity to convey base flows and peak flows for all parts of the collection system.

(1) **Management Program** - The permittee must develop a management program to comply with the above requirements. The program must:

- (i) **Goals:** Identify with specificity the major goals of the management program, consistent with the requirements identified above.
- (ii) **Organization:** Identify:
 - (A) administrative and maintenance positions responsible for implementing measures in the management program; and
 - (B) the chain of communication for reporting overflows from the sanitary sewer - from method of receipt of the information to the person responsible for reporting to the DEC.
- (iii) **Legal Authority and Budget:** Include legal authority, through sewer use ordinances, service agreements or other legally binding documents, to implement the management program. Also, the permittee's budget should include allowances for funding the management program.
- (iv) **Measures and Activities.** The management program must address appropriate measures and activities and identify the person or position in the permittee's organization responsible for each measure and activity.
- (v) **Collection System Map** - The permittee must develop and maintain an up-to-date map of the sanitary collection system.
- (vi) **Monitoring, Measurement and Program Modifications.** The permittee must monitor the implementation and, where appropriate, measure the effectiveness of the management program and update the program as appropriate based on monitoring or performance evaluations.

(2) **System Evaluation and Capacity Assurance Program:** The permittee must prepare and implement a plan for continuous sanitary sewer system evaluation and capacity assurance. The program will consist of a continuous cycle of evaluation of the sanitary sewer system and identification of measures to mitigate (1) excessive inflow and infiltration, and (2) structural and hydraulic deficiencies. The program may be phased so that sections of the sanitary sewer system are evaluated in subsequent years, though all sections must be evaluated at least once in a 5-year period. Mitigation measures must be prioritized and a schedule for implementation of those measures developed so that top priorities are addressed first. At a minimum the plan must include:

- (i) **Evaluation:** The permittee shall evaluate the permittee owned or operated collection system, including pumping capabilities. A detailed map of the storm water and sanitary sewer system must be developed as part of the evaluation and must include any cross connections between those sewer systems and any illicit discharge points. The evaluation must: provide estimates of peak flows associated with wet weather conditions (including allowances for projected growth); provide estimates of the capacity of key system components; identify hydraulic or structural deficiencies, including components of the system with limiting capacity; and identify the sources of inflow and infiltration that contribute to peak flows. The permittee must evaluate whether the inflow and infiltration in the sanitary sewer system is considered "excessive". Excessive shall mean the volume of inflow and infiltration that causes sanitary sewer overflows or non-typical surcharges in manholes in the sewer system.
- (ii) **Development of Measures:** The permittee shall establish short and long term measures to mitigate each source of excessive inflow and infiltration by developing and evaluating a cost/benefit analysis of the projected reductions in volume of excessive inflow and infiltration from each measure. The permittee shall also establish short and long term measures to repair hydraulic or structural deficiencies by developing and evaluating a cost/benefit analysis of capability to convey peak flows from each measure. One of the measures that must be evaluated is regularly scheduled cleaning of the sanitary sewer system. The measures must be prioritized on one list, with measures that will mitigate dangers to human health having the top priority. The

permittee must develop a training program so that personnel can adequately perform the sewer system evaluation.

- (iii) **Evaluation Report:** On January 1st of each year, the permittee must submit an evaluation report to DEC for review and approval that includes the alternatives analysis and identifies the chosen measures developed during the past year's evaluation of the sanitary sewer system. The report must be developed and signed by a professional engineer licensed in New York State. The report shall include a schedule to construct/implement the chosen measures. Upon approval by DEC, the schedule shall become part of, and enforceable under, the SPDES permit.
- (iv) **Progress:** The permittee must also include in the evaluation report above:
- A section containing information on the progress made on the approved program and schedule during the previous year;
 - A summary of the implementation of the training program;
 - Information on the effectiveness and performance of measures that have been previously implemented; and
 - A discussion of issues such as funding, legal authority and preventive maintenance and how these issues impact the program. If these issues are preventing implementation of the program, the report must describe the efforts made to develop appropriate responses to these issues so the program may move forward.

MERCURY MINIMIZATION PROGRAM

1. **General** - The permittee shall develop, implement, and maintain a Mercury Minimization Program (MMP). The MMP is required because the 50 ng/L permit limit exceeds the state-wide calculated water quality based effluent limit (WQBEL) of 0.70 nanograms/liter (ng/L) for Total Mercury. The goal of the MMP will be to reduce mercury effluent levels in pursuit of the calculated WQBEL.
2. **MMP Elements** - The MMP shall be documented in narrative form and shall include any necessary drawings or maps. Other related documents already prepared for the facility may be used as part of the MMP and may be incorporated by reference. As a minimum, the MMP shall include an on-going program consisting of: periodic monitoring designed to quantify and, over time, track the reduction of mercury; an acceptable control strategy for reducing mercury discharges via cost-effective measures, which may include more stringent control of tributary waste streams; and submission of annual status reports.
 - A. **Monitoring** - The permittee shall conduct periodic monitoring designed to quantify and, over time, track the reduction of mercury. All permit-related wastewater and stormwater mercury monitoring shall be performed using EPA Method 1631. Use of EPA Method 1669 during sample collection is recommended. Unless otherwise specified, all samples should be grabs. Monitoring of raw materials, equipment, treatment residuals, and other non-wastewater/non-stormwater substances may be performed using methods other than EPA Method 1631 if appropriate. Monitoring shall be coordinated so that the results can be effectively compared between internal locations and final outfalls. Minimum required monitoring is as follows:
 - i. **Sewage Treatment Plant Influent & Effluent, and Type II SSO Outfalls** - Samples at each of these locations must be collected in accordance with the minimum frequency specified on the mercury permit limits page.
 - ii. **Key Locations in the Collection System and Potential Significant Mercury Sources** - The minimum monitoring frequency at these locations shall be semi-annual. Monitoring of properly treated dental facility discharges is not required.
 - iii. **Hauled Wastes** - Hauled wastes which may contain significant mercury levels must be periodically tested prior to acceptance to ensure compliance with pretreatment/local limits requirements.
 - iv. Additional monitoring must be completed as may be required elsewhere in this permit or upon Department request.
 - B. **Control Strategy** - An acceptable control strategy is required for reducing mercury discharges via cost-effective measures, including but not limited to more stringent control of industrial users and hauled wastes. The control strategy will become enforceable under this permit and shall contain the following minimum elements:
 - i. **Pretreatment/Local Limits** - The permittee shall evaluate and revise current requirements in pursuit of the goal.
 - ii. **Periodic Inspection** - The permittee must inspect users as necessary to support the MMP. Each dental facility shall be inspected at least once every five years to verify compliance with the wastewater treatment and notification elements of 6NYCRR Part 374.4. Other mercury sources shall also be inspected once every five years. Alternatively, the permittee may develop an outreach program which informs these users of their responsibilities once every five years and is supported by a subset of site inspections. Monitoring shall be performed as above.
 - iii. **Systems with CSO & Type II SSO Outfalls** - Priority shall be given to controlling mercury sources upstream of CSOs and Type II SSOs through mercury reduction activities and/or controlled-release discharge. Effective control is necessary to avoid the need for the Department to establish mercury permit limits at these outfalls.
 - iv. A file shall be maintained containing all MMP documentation, including the dental forms required by 6NYCRR Part 374.4, which shall be available for review by DEC representatives.
 - C. **Annual Status Report** - An annual status report shall be submitted to the Regional Water Engineer and to the Bureau of Water Permits summarizing: (a) all MMP monitoring results for the previous year; (b) a list of known and potential mercury sources; (c) all action undertaken pursuant to the strategy during the previous year; (d) actions planned for the upcoming year; and (e) progress toward the goal. The first annual status report is due one year after the permit is modified to include the MMP requirement and follow-up status reports are due annually thereafter.
3. **MMP Modification** - The MMP shall be modified whenever: (a) changes at the facility or within the collection system increase the potential for mercury discharges; (b) actual discharges exceed 50 ng/L; (c) a letter from the Department identifies inadequacies in the MMP; or, (d) pursuant to a permit modification.

PRETREATMENT PROGRAM IMPLEMENTATION REQUIREMENTS

- A. **DEFINITIONS.** Generally, terms used in this Section shall be defined as in the General Pretreatment Regulations (40 CFR Part 403). Specifically, the following definitions apply to terms used in this Section (PRETREATMENT PROGRAM IMPLEMENTATION REQUIREMENTS):
1. **Categorical Industrial User (CIU)** - an industrial user of the POTW that is subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N;
 2. **Local Limits** - General Prohibitions, specific prohibitions and specific limits as set forth in 40 CFR 403.5.
 3. **The Publicly Owned Treatment Works (the POTW)** - as defined by 40 CFR 403.3(q) and that discharges in accordance with this permit.
 4. **Program Submission(s)** - requests for approval or modification of the POTW Pretreatment Program submitted in accordance with 40 CFR 403.11 or 403.18 and approved by letter dated August 1984.
 5. **Significant Industrial User (SIU)** -
 - a. CIUs;
 - b. Except as provided in 40 CFR 403.3(v)(3), any other industrial user that discharges an average of 25,000 gallons per day or more of process wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater) to the POTW;
 - c. Except as provided in 40 CFR 403.3(v)(3), any other industrial user that contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant;
 - d. Any other industrial user that the permittee designates as having a reasonable potential for adversely affecting the POTW's operation or for violating a pretreatment standard or requirement.
 6. **Substances of Concern** - Substances identified by the New York State Department of Environmental Conservation Industrial Chemical Survey as substances of concern.
- B. **IMPLEMENTATION.** The permittee shall implement a POTW Pretreatment Program in accordance 40 CFR Part 403 and as set forth in the permittee's approved Program Submission(s). Modifications to this program shall be made in accordance with 40 CFR 403.18. Specific program requirements are as follows:
1. **Industrial Survey.** To maintain an updated inventory of industrial dischargers to the POTW the permittee shall:
 - a. Identify, locate and list all industrial users who might be subject to the industrial pretreatment program from the pretreatment program submission and any other necessary, appropriate and available sources. This identification and location list will be updated, at a minimum, every five years. As part of this update the permittee shall collect a current and complete New York State Industrial Chemical Survey form (or equivalent) from each SIU.
 - b. Identify the character and volume of pollutants contributed to the POTW by each industrial user identified in B.1.a above that is classified as a SIU.
 - c. Identify, locate and list, from the pretreatment program submission and any other necessary, appropriate and available sources, all significant industrial users of the POTW.
 2. **Control Mechanisms.** To provide adequate notice to and control of industrial users of the POTW the permittee shall:

- a. Inform by certified letter, hand delivery courier, overnight mail, or other means which will provide written acknowledgment of delivery, all industrial users identified in B.1.a. above of applicable pretreatment standards and requirements including the requirement to comply with the local sewer use law, regulation or ordinance and any applicable requirements under section 204(b) and 405 of the Federal Clean Water Act and Subtitles C and D of the Resource Conservation and Recovery Act.
 - b. Control through permit or similar means the contribution to the POTW by each SIU to ensure compliance with applicable pretreatment standards and requirements. Permits shall contain limitations, sampling frequency and type, reporting and self-monitoring requirements as described below, requirements that limitations and conditions be complied with by established deadlines, an expiration date not later than five years from the date of permit issuance, a statement of applicable civil and criminal penalties and the requirement to comply with Local Limits and any other requirements in accordance with 40 CFR 403.8(f)(1).
3. Monitoring and Inspection. To provide adequate, ongoing characterization of non-domestic users of the POTW, the permittee shall:
 - a. Receive and analyze self-monitoring reports and other notices. The permittee shall require all SIUs to submit self-monitoring reports at least every six months unless the permittee collects all such information required for the report, including flow data.
 - b. The permittee shall adequately inspect each SIU at a minimum frequency of once per year.
 - c. The permittee shall collect and analyze samples from each SIU for all priority pollutants that can reasonably be expected to be detectable at levels greater than the levels found in domestic sewage at a minimum frequency of once per year.
 - d. Require, through permits, each SIU to collect at least one 24 hour, flow proportioned composite (where feasible) effluent sample every six months and analyze each of those samples for all priority pollutants that can reasonably be expected to be detectable in that discharge at levels greater than the levels found in domestic sewage. The permittee may perform the aforementioned monitoring in lieu of the SIU except that the permittee must also perform the compliance monitoring described in 3.c.
4. Enforcement. To assure adequate, equitable enforcement of the industrial pretreatment program the permittee shall:
 - a. Investigate instances of noncompliance with pretreatment standards and requirements, as indicated in self-monitoring reports and notices or indicated by analysis, inspection and surveillance activities. Sample taking and analysis and the collection of other information shall be performed with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions. Enforcement activities shall be conducted in accordance with the permittee's Enforcement Response Plan developed and approved in accordance with 40 CFR Part 403.
 - b. Enforce compliance with all national pretreatment standards and requirements in 40 CFR Parts 406 - 471.
 - c. Provide public notification of significant non-compliance as required by 40 CFR 403.8(f)(2)(viii).
 - d. Pursuant to 40 CFR 403.5(e), when either the Department or the USEPA determines any source contributes pollutants to the POTW in violation of Pretreatment Standards or Requirements the Department or the USEPA shall notify the permittee. Failure by the permittee to commence an appropriate investigation and subsequent enforcement action within 30 days of this notification may result in appropriate enforcement action against the source and permittee.
5. Record keeping. The permittee shall maintain and update, as necessary, records identifying the nature, character, and volume of pollutants contributed by SIUs. Records shall be maintained in accordance with 6 NYCRR Part 750-2.5(c).

6. Staffing. The permittee shall maintain minimum staffing positions committed to implementation of the Industrial Pretreatment Program in accordance with the approved pretreatment program.
- C. SLUDGE DISPOSAL PLAN. The permittee shall notify NYSDEC, and USEPA as long as USEPA remains the approval authority, 60 days prior to any major proposed change in the sludge disposal plan. NYSDEC may require additional pretreatment measures or controls to prevent or abate an interference incident relating to sludge use or disposal.
- D. REPORTING. The permittee shall provide to the offices listed on the Monitoring, Reporting and Recording page of this permit and to the Chief-Water Compliance Branch; USEPA Region II; 290 Broadway; New York, NY 10007; a periodic report that briefly describes the permittee's program activities over the previous year. This report shall be submitted to the above noted offices within 60 days of the end of the reporting period. The reporting period shall be ANNUAL, with reporting period(s) ending on December 31st.

The periodic report shall include:

1. Industrial Survey. Updated industrial survey information in accordance with 40 CFR 403.12(i)(1) (including any NYS Industrial Chemical Survey forms updated during the reporting period).
2. Implementation Status. Status of Program Implementation, to include:
 - a. Any interference, upset or permit violations experienced at the POTW directly attributable to industrial users.
 - b. Listing of significant industrial users issued permits.
 - c. Listing of significant industrial users inspected and/or monitored during the previous reporting period and summary of results.
 - d. Listing of significant industrial users notified of promulgated pretreatment standards or applicable local standards who are on compliance schedules. The listing should include for each facility the final date of compliance.
 - e. Summary of POTW monitoring results not already submitted on Discharge Monitoring Reports and toxic loadings from SIU's organized by parameter.
 - f. A summary of additions or deletions to the list of SIUs, with a brief explanation for each deletion.
3. Enforcement Status. Status of enforcement activities to include:
 - a. Listing of significant industrial users in Significant Non-Compliance (as defined by 40 CFR 403.8(f)(2)(viii)) with federal or local pretreatment standards at end of the reporting period.
 - b. Summary of enforcement activities taken against non-complying significant industrial users. The permittee shall provide a copy of the public notice of significant violators as specified in 40 CFR Part 403.8(f)(2)(viii).

STORM WATER POLLUTANT PREVENTION PLAN FOR POTWs WITH STORMWATER OUTFALLS

1. General - The Department has determined that stormwater discharges from POTWs with design flows at or above 1 mgd shall be covered under the SPDES permit. If the permittee has already submitted a Notice of Intent to the Department for coverage under the General Storm Water permit, the permittee shall submit a Notice of Termination to the Department upon receipt of this final SPDES permit containing the requirement to develop a SWPPP.

The permittee is required to develop, maintain, and implement a Storm Water Pollutant Prevention Plan (SWPPP) to prevent releases of significant amounts of pollutants to the waters of the State through plant site runoff; spillage and leaks; sludge or waste disposal; and other stormwater discharges including, but not limited to, drainage from raw material storage.

The SWPPP shall be documented in narrative form and shall include the 13 minimum elements below and plot plans, drawings, or maps necessary to clearly delineate the direction of stormwater flow and identify the conveyance, such as ditch, swale, storm sewer or sheet flow, and receiving water body. Other documents already prepared for the facility such as a Safety Manual or a Spill Prevention, Control and Countermeasure (SPCC) plan may be used as part of the SWPPP and may be incorporated by reference. A copy of the current SWPPP shall be submitted to the Department as required in item (2.) below and a copy must be maintained at the facility and shall be available to authorized Department representatives upon request.

2. Compliance Deadlines - The initial completed SWPPP has been submitted to the Regional Water Engineer on 03/14/2008. The SWPPP shall continue to be implemented. The SWPPP shall be reviewed annually and shall be modified whenever: (a) changes at the facility materially increase the potential for releases of pollutants; (b) actual releases indicate the SWPPP is inadequate, or (c) a letter from the Department identifies inadequacies in the SWPPP. The permittee shall certify in writing, as an attachment to the December Discharge Monitoring Report (DMR), that the annual review has been completed. All SWPPP revisions (with the exception of minimum elements - see item (4.B.) below) must be submitted to the Regional Water Engineer within 30 days. Note that the permittee is not required to obtain Department approval of the SWPPP (or of any minimum elements) unless notified otherwise. Subsequent modifications to or renewal of this permit does not reset or revise these deadlines unless a new deadline is set explicitly by such permit modification or renewal.

3. Facility Review - The permittee shall review all facility components or systems (including but not limited to material storage areas; in-plant transfer, process, and material handling areas; loading and unloading operations; storm water, erosion, and sediment control measures; process emergency control systems; and sludge and waste disposal areas) where materials or pollutants are used, manufactured, stored or handled to evaluate the potential for the release of pollutants to the waters of the State. In performing such an evaluation, the permittee shall consider such factors as the probability of equipment failure or improper operation, cross-contamination of storm water by process materials, settlement of facility air emissions, the effects of natural phenomena such as freezing temperatures and precipitation, fires, and the facility's history of spills and leaks. The relative toxicity of the pollutant shall be considered in determining the significance of potential releases.

The review shall address all substances present at the facility that are identified in Tables 6-10 of SPDES application Form NY-2C (available at <http://www.dec.state.ny.us/website/dcs/permits/olpermits/form2c.pdf>) as well as those that are required to be monitored by the SPDES permit.

4. A. 13 Minimum elements - Whenever the potential for a release of pollutants to State waters is determined to be present, the permittee shall identify Best Management Practices (BMPs) that have been established to prevent or minimize such potential releases. Where BMPs are inadequate or absent, appropriate BMPs shall be established. In selecting appropriate BMPs, the permittee shall consider good industry practices and, where appropriate, structural measures such as secondary containment and erosion/sediment control devices and practices. USEPA guidance for development of minimum elements of the SWPPP and BMPs is available in the September 1992 manual *Storm Water Management for Industrial Activities*, EPA 832-R-92-006 (available on-line at <http://nepis.epa.gov/pub/titles/OW.htm>) At a minimum, the plan shall include the following elements:

- | | | |
|-------------------------------------|------------------------------|---------------------------------|
| 1. Pollution Prevention Team | 6. Security | 10. Spill Prevention & Response |
| 2. Reporting of BMP Incidents | 7. Preventive Maintenance | 11. Erosion & Sediment Control |
| 3. Risk Identification & Assessment | 8. Good Housekeeping | 12. Management of Runoff |
| 4. Employee Training | 9. Materials/Waste Handling, | 13. Street Sweeping |

5. Inspections and Records

Storage, & Compatibility

Note that for some facilities, especially those with few employees, some of the above may not be applicable. It is acceptable in these cases to indicate "Not Applicable" for the portion(s) of the SWPPP that do not apply to your facility, along with an explanation, for instance if street sweeping did not apply because no streets exist at the facility.

B. Stormwater Pollution Prevention Plans (SWPPPs) Required for Discharges of Stormwater From Construction Activity to Surface Waters - As part of the erosion and sediment control element, a SWPPP shall be developed prior to the initiation of any site disturbance of one acre or more of uncontaminated area. Uncontaminated area means soils or groundwater which are free of contamination by any toxic or non-conventional pollutants identified in Tables 6-10 of SPDES application Form NY-2C. Disturbance of any size contaminated area(s) and the resulting discharge of contaminated stormwater is not authorized by this permit unless the discharge is under State or Federal oversight as part of a remedial program or after review by the Regional Water Engineer; nor is such discharge authorized by any SPDES general permit for stormwater discharges. SWPPPs are not required for discharges of stormwater from construction activity to groundwaters.

The SWPPP shall conform to the *New York Standards and Specifications for Erosion and Sediment Control* and *New York State Stormwater Management Design Manual*, unless a variance has been obtained from the Regional Water Engineer, and to any local requirements. The permittee shall submit a copy of the SWPPP and any amendments thereto to the local governing body and any other authorized agency having jurisdiction or regulatory control over the construction activity at least 30 days prior to soil disturbance. The SWPPP shall also be submitted to the Regional Water Engineer if contamination, as defined above, is involved and the permittee must obtain a determination of any SPDES permit modifications and/or additional treatment which may be required prior to soil disturbance. Otherwise, the SWPPP shall be submitted to the Department only upon request. When a SWPPP is required, a properly completed *Notice of Intent* (NOI) form shall be submitted (available at www.dec.state.ny.us/website/dow/toolbox/swforms.html) prior to soil disturbance. Note that submission of a NOI is required for informational purposes; the permittee is not eligible for and will not obtain coverage under any SPDES general permit for stormwater discharges, nor are any additional permit fees incurred. SWPPPs must be developed and submitted for subsequent site disturbances in accordance with the above requirements. The permittee is responsible for ensuring that the provisions of each SWPPP is properly implemented.

NOTE:

Stormwater sampling shall be conducted as approved under the original Stormwater Permit MSGP #NYR00A979 which allowed representative sampling of from Stormwater Outfall H (which is Outfall No. 009).

SCHEDULE OF COMPLIANCE**a) Collection System Monitoring & Maintenance**

Outfall Number(s)	Compliance Action	Due Date
NA	<ol style="list-style-type: none"> Clean and televise 126,500 linear feet/year of the 2,530,000 linear feet of non-PVC sanitary gravity sewers owned by the Town of Clarkstown and Ramapo and/or Villages within each Town. Test 14,000 non-PVC sanitary gravity sewer joints per year that are owned by the Towns of Clarkstown and Ramapo and/or Villages. <ol style="list-style-type: none"> Seal approximately 1,400 failed joints per year found during each year's testing. Inspect approximately 900/year of the 18,000 collection system manholes that are owned by the District, towns of Clarkstown and Ramapo and/or Villages. <ol style="list-style-type: none"> Repair the manholes found to be a source of inflow and infiltration during each year. 	December 31, 2011 and every December 31 st thereafter.

b) Percent Removal Requirement

Outfall Number(s)	Compliance Action	Due Date
001	The Permittee shall submit an approvable Engineering Report evaluating the ability of the treatment system to meet the 85% removal requirement for CBOD ₅ and TSS.	January 1, 2013

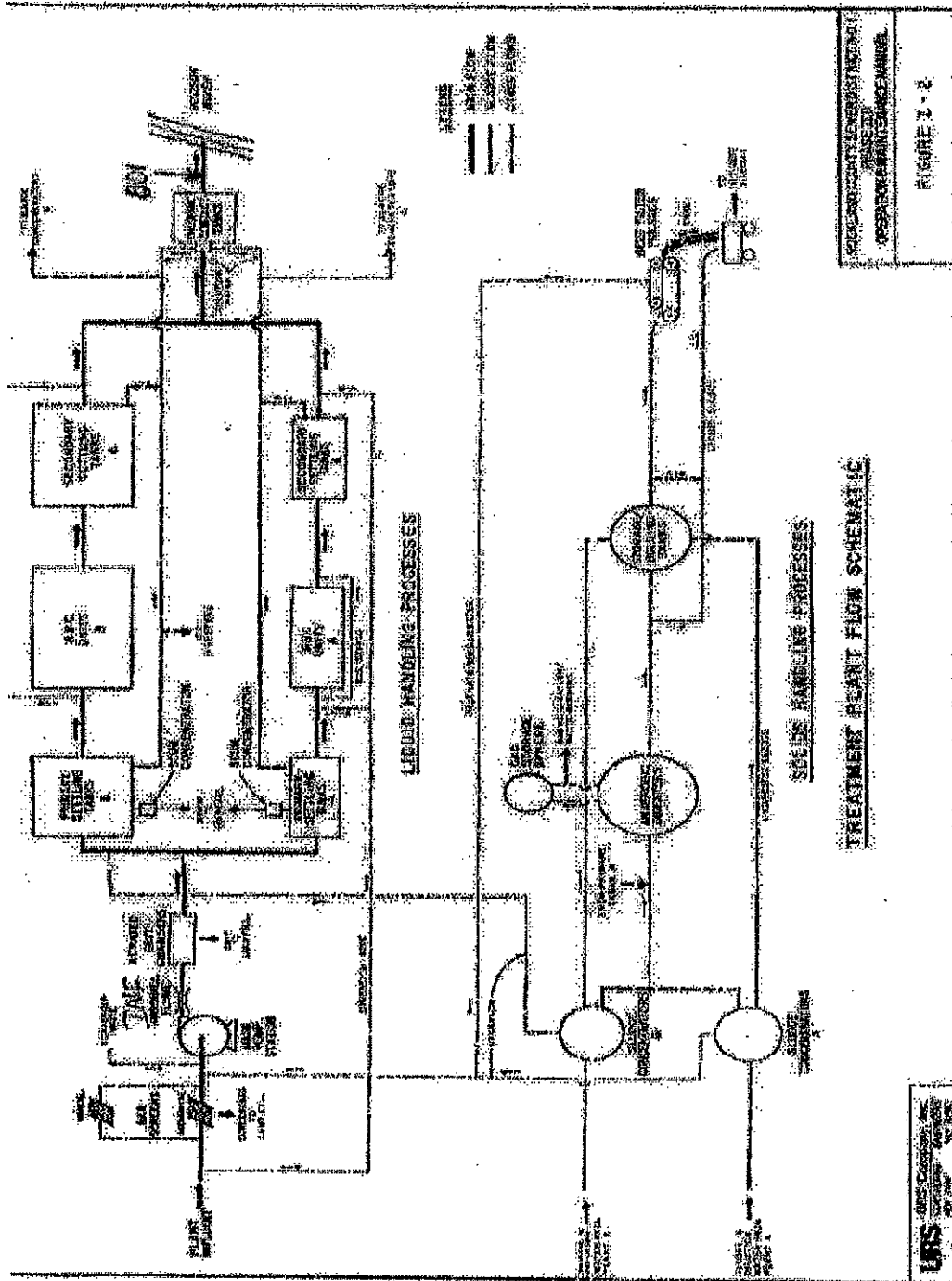
The above compliance actions are one time requirements. The permittee shall comply with the above compliance actions to the Department's satisfaction once. When this permit is administratively renewed by NYSDEC letter entitled "SPDES NOTICE/RENEWAL APPLICATION/PERMIT," the permittee is not required to repeat the submission(s) noted above. The above due dates are independent from the effective date of the permit stated in the letter of "SPDES NOTICE/RENEWAL APPLICATION/PERMIT."

- d) The permittee shall submit a written notice of compliance or non-compliance with each of the above schedule dates no later than 14 days following each elapsed date, unless conditions require more immediate notice as prescribed in 6 NYCRR Part 750-1.2(a) and 750-2. All such compliance or non-compliance notification shall be sent to the locations listed under the section of this permit entitled RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS. Each notice of non-compliance shall include the following information:

- A short description of the non-compliance;
- A description of any actions taken or proposed by the permittee to comply with the elapsed schedule requirements without further delay and to limit environmental impact associated with the non-compliance;
- A description of any factors which tend to explain or mitigate the non-compliance; and
- An estimate of the date the permittee will comply with the elapsed schedule requirement and an assessment of the probability that the permittee will meet the next scheduled requirement on time.

- e) The permittee shall submit copies of any document required by the above schedule of compliance to NYSDEC Regional Water Engineer at the location listed under the section of this permit entitled RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS and to the Bureau of Water Permits, 625 Broadway, Albany, N.Y. 12233-3505, unless otherwise specified in this permit or in writing by the Department.

The permittee shall take samples and measurements, to comply with the monitoring requirements specified in this permit, at the location(s) specified below:



RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS

- a) 6 NYCRR Part 750 is hereby incorporated by reference and its conditions are enforceable requirements of this permit. The permittee shall comply with all conditions set forth in this permit and with 6 NYCRR Part 750, including, but not limited to: additional monitoring and reporting requirements and conditions, including noncompliance reporting.
- b) The monitoring information required by this permit shall be summarized, signed and retained for a period of at least five years from the date of the sampling for subsequent inspection by the Department or its designated agent. Also, monitoring information required by this permit shall be summarized and reported by submitting;

☒ (if box is checked) completed and signed Discharge Monitoring Report (DMR) forms for each 1 month reporting period to the locations specified below. Blank forms are available at the Department's Albany office listed below. The first reporting period begins on the effective date of this permit and the reports will be due no later than the 28th day of the month following the end of each reporting period.

☐ (if box is checked) an annual report to the Regional Water Engineer at the address specified below. The annual report is due by February 1 each year and must summarize information for January to December of the previous year in a format acceptable to the Department.

☒ (if box is checked) a monthly "Wastewater Facility Operation Report..." (form 92-15-7) to the:

☒ Regional Water Engineer and/or ☐ County Health Department or Environmental Control Agency specified below

Send the original (top sheet) of each DMR page to:
Department of Environmental Conservation
Division of Water, Bureau of Water Compliance
625 Broadway, Albany, New York 12233-3506
Phone: (518) 402-8177

Send the first copy (second sheet) of each DMR page to:
Department of Environmental Conservation
Regional Water Engineer, Region 3
100 Hillside Avenue - Suite 1W
White Plains, NY 10603
Phone: (914)-428-2505

Send an additional copy of each DMR page to:
Rockland County Health Department
50 Sanatorium Rd.
Pomona, New York 10970

- c) Monitoring and analysis shall be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.
- d) More frequent monitoring of the discharge(s), monitoring point(s), or waters of the State than required by the permit, where analysis is performed by a certified laboratory or where such analysis is not required to be performed by a certified laboratory, shall be included in the calculations and recording of the data on the corresponding DMRs.
- e) Calculations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.
- f) Unless otherwise specified, all information recorded on the DMRs shall be based upon measurements and sampling carried out during the most recently completed reporting period.
- g) Any laboratory test or sample analysis required by this permit for which the State Commissioner of Health issues certificates of approval pursuant to section 502 of the Public Health Law shall be conducted by a laboratory which has been issued a certificate of approval. Inquiries regarding laboratory certification should be directed to the New York State Department of Health, Environmental Laboratory Accreditation Program.
- h) In addition to a) above, all POTWs shall provide adequate notice to the Department and USEPA of the following: (1) Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to section 301 or 306 of CWA if it were directly discharging those pollutants; and (2) Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit. (3) For purposes of this paragraph, adequate notice shall include information on (i) the quality and quantity of effluent introduced into the POTW, and (ii) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.